



**Request for City Council Committee Action
From the Department of Civil Rights**

Date November 5, 2003
To Health & Human Services Committee
Referral to: NONE

Subject: A report from the Minneapolis Department of Civil Rights on the Discrimination Complaint Filing Process and an update on the Complaint Investigations Unit's activities

Recommendation

Receive and File.

Previous Directives

None

Prepared by Eileen Kapaun, Complaint Investigations Manager

Approved by _____
Vanne Owens Hayes, Director, MDCR

Presenters in Committee: Eileen Kapaun, Complaint Investigations Manager
Ronald Brandon, Complaint Investigations Officer
Cynthia Martinez, Complaint Investigations Officer

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information Attached

The Complaint Investigations Unit of the Minneapolis Department of Civil Rights is responsible for the enforcement of the provisions of Chapter 139.40 of the Minneapolis Code of Ordinances, "Civil Rights".

The Complaint Investigations Unit will present an update on current activities, the discrimination complaint filing process, and current caseload. (Report attached).

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The Minneapolis Civil Rights Ordinance prohibits discrimination based on race, color, creed, religion, ancestry, national origin, sex (including sexual harassment), affectional preference, disability, age, marital status, and status with regard to public assistance. Additionally, in the area of housing, it is illegal to deny housing and real estate opportunity based on familial status. The acts of discrimination prohibited are found in Chapter 139.40 of the Ordinance, "Acts of discrimination specified".

In Minneapolis, it is against the law to discriminate in these areas:

- Employment
- Real Estate (including rental, lease and sale)
- Public Accommodations (goods and services offered to the public by non-governmental entities)
- Public Services (the services, activities and facilities of government agencies)
- Educational Institutions
- Labor Organization Membership and Referrals
- Professional Organization Membership and Services
- Lending

According to Minneapolis Civil Rights law, it is also illegal to:

- Retaliate against any person because he or she has opposed discrimination;
- Conceal information about discriminatory acts;
- Aid, abet, compel, coerce, incite or induce another person to discriminate;
- Use advertisement, form of application, or any other mechanism to bring about discrimination; and
- Coerce, intimidate, threaten or interfere with any person related to housing.

*****Please note that charges of discrimination must be filed within one year of the discriminatory incident.*****

Complaint Filing

The Complaint Investigation Unit of the Minneapolis Department of Civil Rights will perform a full, fair and impartial investigation of charges of discrimination occurring in Minneapolis. That process is found at 141.50 of the Civil Rights Ordinance. To ensure the fairness and impartiality of the investigation, the Complaint Investigations Officers remain neutral throughout the investigation.

1. Intake:

The person bringing forth the charge of discrimination, the Complainant, meets with the Intake Officer to detail the incident and draft the charge. The charge of discrimination includes:

- A statement of what happened;
- A summary of any explanation offered to the Complainant about the incident;
- A citation of the relevant portion of the civil rights ordinance; and
- The Complainant's statement of belief that discriminatory treatment prohibited by the Ordinance has occurred.

2. Complaint Service and Answer:

The charge of discrimination is signed by the Complainant, notarized, and sent to the Respondent (the organization or person named as responsible for the incident). The Respondent is required to provide a written response to the charge within 30 days of receipt of the charge.

3. Investigative Plan:

The Respondent's answer to the charge is forwarded to the Complainant for a rebuttal. The charge, answer and rebuttal form the foundation for the investigative plan, through which the Investigator identifies all incidents alleged and which theories of discrimination apply to the case

4. Investigation:

The Investigation of the complaint includes both interviews with key people involved in the incident, decision-makers and witnesses if they exist, and reviews of documents and records that relate to the

case. Witness information including names, addresses, and other contact information should be submitted at the time the charge is filed. The Investigator generally makes the determination as to which witnesses hold information relevant to the case.

5. Summary and Recommendation:

At the conclusion of the investigation, the Executive Director issues a final determination based on the facts gathered in the case and in keeping with recent case law precedents. The Director's Determination of Probable Cause to believe discrimination occurred is forwarded to the Minneapolis Commission on Civil Rights for a hearing. A Determination of No Probable Cause may be appealed to the Minneapolis Commission on Civil Rights.

6. Remedies and Mediation:

Remedies available for those charges in which Probable Cause is determined include policy changes to correct the discrimination, compensation for possible lost wages in employment cases, apologies, punitive damages and other remedies which will address the situation. Complainants and Respondents will, at times, agree to settle a charge for terms that are agreeable to them prior to the completion of the investigation. Mediation or early resolution is voluntary and is confidential, and the Investigator will facilitate the mediation if that is the will of the parties.

Case Information:

Inquiries:

For the period of time from January 1 through September 30, 2003, the Department has received and responded to 376 inquiries from people regarding potential complaints of discrimination. Inquiries that contain information that meets the requirements for a charge of discrimination are filed with the Department, and where possible, appropriate referrals are made to other sources to assist the individual.

The Investigations Unit has established relationships with the Pillsbury Neighborhood Centers (Oak Park Center in North Minneapolis, the Brian Coyle Center, Glenwood Lyndale Center, and the Pillsbury House) and with the Urban League to conduct intake activities in neighborhood centers. The purpose of these relationships is for intake of discrimination complaints in the communities where people live.

Charges Filed:

For the period of time from January 1 through September 30, 2003, we have received one hundred twenty one (121) charges of discrimination. We anticipate an additional 30 charges will be filed this year, based on the year-to date numbers. For the past three years, case filings by area are as follows:

- 51% employment
- 21% public services (includes police)
- 16% public accommodations
- 6% real estate (housing)
- 6% other areas (lending, education, labor organizations, etc.)

Cases Closed:

For the period of time from January 1 through September 30, 2003, the Department has closed 138 cases. We anticipate an additional 30 to 40 cases will be closed this year.

Case Processing Time:

The average length of investigative time for investigations was 192 days in 2002. In 2003, the unit lost one full-time Complaint Investigation Officer but was still able to maintain a timeliness rate of over 40% of cases investigated in 180 days or less. The Investigations Unit consists of a staff of four full-time Investigations Officers who carry an average caseload of 35 to 45 open cases at any given time. The Investigators also perform the Intake function on a rotating basis.

Case processing time is influenced by many factors, including:

- legal reviews
- resistance and delays encountered to the Department's requests for information and

- time spent locating and interviewing the parties and witnesses essential to investigation

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Mediation/Conciliation:

For the period of time from January 1 through September 30, 2003, ten cases have been settled this year through mediation and early resolution at an average of \$4100 per case for the Complainant.

Outreach and Education and other activities:

We have partnered with Regulatory Services (Licenses) for enforcement efforts regarding potential discriminatory treatment experienced by customers who use service dogs and taxicabs.

To continue to address our core service of outreach and education, additional duties performed by the Complaint Investigations Unit include involvement at community festivals, which during this past year, have included:

- Cinco de Mayo
- Juneteenth
- GLBT Pride Festival
- Urban League Family Day
- La Feria

The Complaint Investigations Unit provides training and information for any group, organization or school within the City who would like information concerning civil rights, the protections under the Ordinance, and the complaint filing process.

Recent training for staff has been conducted in racial profiling and two of the Investigators attended Investigations training conducted by the National Association of Human Rights Workers (NAHRW).

Other activities include Federal Mediation as an observer and participation in the metro-wide Fair Housing Implementation Committee.

Key Trends:

Employment cases constitute over 50% of all charges filed. For the period of time from January 1 through September 30, 2003, race (African American) is largest basis on which all complaints are filed (61%), followed by National Origin (15%) and Disability (14%).

Submitted by Eileen Kapaun, Investigations Manager
November 5, 2003